

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 8, 2007. Claims 1 to 20 are currently in the application, with claims 1, 19 and 20 being the independent claims. Reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for the indication that Claims 5, 6, and 13 contain allowable subject matter and would be allowable if rewritten in independent form. Applicants have not rewritten these claims in independent form at this time, however, since all claims in the application now are believed to be in condition for allowance.

Claims 1 to 4, 7 to 11 and 15 to 20 were rejected under 35 U.S.C. § 102(b) OVER U.S. Patent No. 6,487,852 (“Murphy”); and Claims 1 to 4, 7 to 12 and 14 to 20 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,546,720 (“van Nieuwstadt”). Applicants have reviewed the applied references and respectfully submit that the current claims are patentably distinguishable over the references for at least the following reasons.

Independent Claims 1, 19 and 20 generally relate to controlling an engine that includes an addition device for adding a NOx reducing agent to exhaust gas of the agent. Claims 1, 19 and 20 have been amended to include the limitation that an output torque of the engine is restricted or decreased in response to detecting an abnormality occurrence in the addition device. Support for this amendment may be found at least in the paragraph beginning on page 16, line 18, of the specification.

The applied references are not seen to disclose or suggest the foregoing features of Claims 1, 19 and 20. In particular, the applied references are not seen to disclose or suggest at least the feature of restricting or decreasing an output torque of an engine in response to detecting an abnormality occurrence in an addition device.

Murphy and van Nieuwstadt each concern controlling the addition/injection of a reactant into an engine exhaust. Murphy relies on a temperature difference measured across a catalyst to adjust the injection. See Murphy, Abstract. van Nieuwstadt, on the other hand, relies on the detection of un-reacted portions of a reactant and a substance to control the amount of reactant being added to the substance. However, neither Murphy nor van Nieuwstadt are seen to disclose or suggest restricting or decreasing an output torque of an engine in response to the detection events described in each. Accordingly, neither Murphy nor van Nieuwstadt are seen to disclose or even suggest at least the features of restricting or decreasing an output torque of an engine in response to detecting an abnormality occurrence in an addition device.

Therefore, independent Claims 1, 19 and 20 are believed to be allowable over the applied references. Reconsideration and withdrawal of the § 102(b) rejections of Claims 1, 19 and 20 are respectfully requested.

The other claims rejected in the application are dependent, either directly or indirectly, from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Applicants' undersigned representative may be reached in our Irvine, California, offices at the telephone number provided below. All correspondence should continue to be directed to the address associated with the customer number indicated below.

Respectfully submitted,

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